IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

CAREMARKPCS HEALTH, L.P.,)	
a Delaware Limited Partnership,)	
Plaintiff,)	
)	Case No. 07 C 6272
VS.)	
)	Judge Filip
WALGREEN CO.,)	
an Illinois Corporation,)	
)	
Defendant.)	
)	

PLAINTIFF'S UNOPPOSED MOTION FOR RELEASE OF TEMPORARY RESTRAINING ORDER BOND

Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, Plaintiff CaremarkPCS Health, L.P. ("Caremark") respectfully requests that the Court enter an Order releasing the Temporary Restraining Order Bond (Bond No. 6499430) undertaken by Safeco Insurance Company of America on behalf of CaremarkPCS Health, L.P. in connection with the Temporary Restraining Order entered by the Court on November 13, 2007 in the above-referenced matter. In support thereof, Plaintiff states:

- 1. Plaintiff filed a Verified Complaint against Defendant Walgreen Co. as well as a related motion seeking temporary injunctive relief.
- 2. On November 13, 2007, the Court entered a Temporary Restraining Order in this matter and further ordered that Plaintiff post an undertaking of \$25,000 as security for the Temporary Restraining Order.
- 3. On November 27, 2007, Plaintiff posted the Temporary Restraining Order Bond (Bond No. 6499430) attached hereto as **Exhibit A**.

4. The Temporary Restraining Order expired on November 28, 2007 at 11:59 p.m.

5. On November 28, 2007, the Court entered an Order stating that "[b]y agreement

of the parties, the above-entitled case is dismissed without prejudice in favor of arbitration." A

true and correct copy of this Order is attached hereto as Exhibit B.

6. The parties have agreed that the Temporary Restraining Order Bond should be

released by the Court. On November 30, 2007, counsel for Plaintiff exchanged e-mails with

counsel for Defendant regarding release of the Temporary Restraining Order Bond. Counsel for

Defendant represented that they will not oppose this Motion.

WHEREFORE, Plaintiff respectfully requests this Court enter an Order releasing the

Temporary Restraining Order Bond (Bond No. 6499430) undertaken by Safeco Insurance

Company of America on behalf of CaremarkPCS Health, L.P. in connection with the Temporary

Restraining Order entered by the Court on November 13, 2007 in the above-referenced matter.

Respectfully submitted,

CAREMARKPCS HEALTH, L.P.

By: /s/ Peter J. Kocoras

One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned attorney states that he caused a true and correct copy of the foregoing UNOPPOSED MOTION FOR RELEASE OF THE TEMPORARY RESTRAINING ORDER BOND to be filed with the clerk of the court on November 30, 2007, by using the CM/ECF system, which will send a notice of electronic filing to the following:

Richard C. Godfrey, Esq. Andrew B. Bloomer, Esq. Michael A. Duffy, Esq. Kirkland & Ellis LLP 200 East Randolph Drive Chicago, Illinois 60601 (Tel): 312-861-2000 (Fax): 312-861-2200

> By: <u>/s/ Peter J. Kocoras</u> Attorney for CaremarkPCS Health, L.P.